

CASE NO. 11-CV-00205-H (CAB)

3. Pursuant to ¶¶ 3 (a) and 3 (b), Rust caused the Summary Notice to be published in the following magazines: *Parents* (May 2012 issue, page 172, circulation 2,200,000), *People*

1 (April 16, 2012, page 63, circulation, 3,450,000), *Ser Padres* (May 2012 issue, page 51,  
2 circulation 800,000) and *Woman's Day* (May 2012 issue, page 138, circulation 3,250,000).  
3 Copies of the tear sheets are attached hereto as Exhibit 2. In addition, banner ads were posted  
4 on the following third-party websites: *24/7 Real Media Network – Parenting Channel*  
5 (5,000,000 impressions from April 6, 2012 through April 20, 2012) and *Facebook* (10,000,000  
6 impressions from April 6, 2012 through April 20, 2012). Copies of the banner ads are attached  
7 hereto as Exhibit 3.  
8

9  
10 4. Pursuant to ¶3 (c) of the Preliminary Approval Order, Rust established a dedicated  
11 settlement website, [www.nutellaactionsettlement.com](http://www.nutellaactionsettlement.com), which went 'live' on March 2,  
12 2012. The website contains the Settlement Agreement, Class Notice, and information relating  
13 to filing a claim, opting out of the Settlement, objecting to the Settlement, deadlines relating to  
14 the Settlement, Frequently Asked Questions and other information relevant to the Settlement.  
15 Additionally, the Settlement Website contains an electronic Claim Form to allow on-line  
16 submissions of claims as well as a Claim Form which can be downloaded, printed and mailed  
17 to the Claims Administrator. The Settlement Website also contains Spanish versions of the  
18 Notice, Claim Form and Frequently Asked Questions. As of May 23, 2012, the website has  
19 been visited approximately 1,078,410 times. A screen shot of the website homepage is  
20 attached hereto as Exhibit 4.  
21

22  
23 5. Rust has acted as a repository for inquiries and communications from potential  
24 Settlement Class Members. Rust leases and maintains a case-dedicated Post Office, P.O. Box  
25 8030 Faribault, MN 55021-9430, for the receipt of Claim Forms, Requests for Exclusion, and  
26 all written communications necessary to the administration of the Settlement, including from  
27 potential Settlement Class Members.  
28

1 6. Rust also maintains a case-dedicated toll-free telephone number, 877-497-5858. A  
2 caller to the toll-free telephone number is able to listen to a pre-recorded message which  
3 answers many frequently asked questions, and is then prompted to press a telephone keypad  
4 number to request a Notice Packet be mailed to their address or to leave a message requesting  
5 a return call from a representative. As of May 23, 2012, approximately 1,264 calls have been  
6 received. Of those, 48 potential claimants have requested Notice Packets. Three (3) additional  
7 requests for Notice Packets were received via mail. Between April 19, 2012 and May 23,  
8 2012, Rust mailed 50 Notice Packets. The one (1) additional Notice Packet will be included in  
9 next week's mailing.  
10

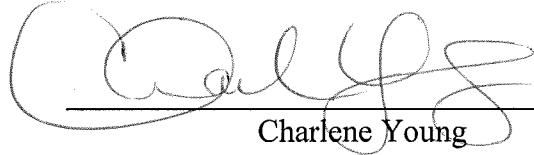
11  
12 7. As of May 23, 2012, we have not received any undeliverable mail.

13  
14 8. Pursuant to ¶7 (a) of the Preliminary Approval Order, objections must be filed or  
15 delivered no later than June 8, 2012. As of May 23, 2012, Rust has received no objections  
16 from potential Settlement Class Members.

17  
18 9. Pursuant to ¶8 of the Preliminary Approval Order, a Request for Exclusion must be  
19 postmarked no later than June 8, 2012. As of May 23, 2012, Rust has received timely  
20 Requests for Exclusion from one (1) resident of California and four (4) residents from the  
21 other 49 states. Copies are attached hereto as Exhibit 5.

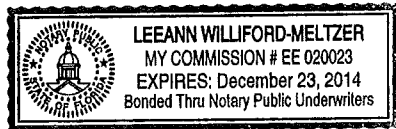
22  
23 10. Pursuant to Section II (G) of the Class Action Settlement Agreement, dated January 18,  
24 2012, the deadline for filing the Claim Form is July 5, 2012. As of May 23, 2012, Rust has  
25 received 55,504 claims (including a total of 259,362 jars claimed) from potential Settlement  
26 Class Members from California and 197,909 claims (including a total of 912,693 jars claimed)  
27 from potential Settlement Class Members from the other 49 states.  
28

11. I declare and state under penalty of perjury of the laws of the United States that the foregoing is true and correct to the best of my knowledge.

  
Charlene Young

Sworn to before me this  
25<sup>th</sup> day of May, 2012

  
Notary Public



# **EXHIBIT 1**

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

IN RE:  
FERRERO LITIGATION

Case No. 11-CV-205 H (CAB)

**NOTICE OF CLASS ACTION SETTLEMENT**

**IF YOU HAVE PURCHASED NUTELLA IN THE STATE OF CALIFORNIA ANY TIME BETWEEN AUGUST 1, 2009 AND JANUARY 23, 2012, PLEASE READ THIS NOTICE CAREFULLY, AS IT DESCRIBES A SETTLEMENT THAT MAY AFFECT YOUR RIGHTS.**

***A federal court authorized this notice. This is not a solicitation from a lawyer.***

**What is this Lawsuit About?**

Plaintiffs in the above consolidated action have brought class action lawsuits on behalf of themselves and others who have purchased Nutella at any time from August 1, 2009 to January 23, 2012, alleging that Defendant Ferrero U.S.A., Inc. ("Ferrero") made representations through its marketing and advertising of Nutella® brand hazelnut spread ("Nutella"), improperly suggesting that Nutella is healthier than it actually is. Ferrero has denied the allegations and continues to stand by its products and advertising.

On January 18, 2012, the parties agreed to a settlement (the "Settlement") to resolve this lawsuit. The terms of the Settlement are contained in a Settlement Agreement, which is available for review at [www.NutellaClassActionSettlement.com](http://www.NutellaClassActionSettlement.com) (the "Settlement Website").

**What are the Terms of the Settlement?**

By this Settlement, the parties have agreed to create a settlement fund of \$550,000 (the "Cash Settlement Amount"), to be paid by Ferrero, for the benefit of Class Members who do not opt out and who timely complete a valid Claim Form and certify the number of jars of Nutella they purchased in the State of California.

The parties further have agreed that for each Class Member submitting a Claim Form that is accepted, the Claims Administrator will pay to that Class Member \$4.00 for each jar of Nutella purchased in the State of California any time from August 1, 2009 to January 23, 2012, up to a maximum total of \$20.00 for each Class Member, family member of a Class Member, or any person who resides in the same household as such Class Member. In the event that claims exceed the amount of the fund, each claim will be reduced on a *pro rata* basis. In the event claims do not exceed the fund, the remaining funds will be donated to a court-approved organization or paid out as a supplemental distribution to claimants with court approval.

Additionally, Ferrero agreed to modify its labeling of Nutella in a way that will make certain nutritional information for the product more prominent, modify certain marketing statements regarding Nutella, create new television advertisements for Nutella, and modify the website for Nutella ([www.nutellausa.com](http://www.nutellausa.com)).

The parties have further agreed that the costs to administer this Settlement, reasonable attorneys' fees and costs to Class Counsel related to obtaining the settlement fund, and an Incentive Award to each of the two named Plaintiffs will be paid from the Cash Settlement Amount.

Class Counsel may request attorneys' fees from the Cash Settlement Amount and may also request a separate award of attorneys' fees, to be paid by Ferrero exclusive of the Cash Settlement Amount, of no more than \$900,000 for the Injunctive Relief obtained by way of this Settlement. The final amount of attorneys' fees and costs and Plaintiffs' Incentive Award will be determined by the Court. All Class Members who do not request exclusion from this Settlement will forever release all claims related to the allegations in *In re Ferrero Litigation* against Ferrero from August 1, 2009 to January 23, 2012, inclusive (the "Class Period").

#### **Who is Included in the Settlement?**

"Class Members" means all persons who purchased one or more of Defendant's Nutella brand hazelnut spread products ("Nutella") in the State of California, at any time from August 1, 2009 through January 23, 2012, (the "Class Period"), other than for resale or distribution. Excluded from the Class Members are: Ferrero; Defense Counsel; any judge presiding over any of the actions that together comprise the Action or Related Actions; and any immediate family member of any such person(s).

#### **How Can a Class Member Get a Payment Under the Terms of the Settlement?**

To get a payment under the Settlement, a Class Member **must** make a claim to the Claims Administrator in **either** of the following ways: 1) complete and mail the Claim Form available in hard copy from Class Counsel (whose contact information is provided below) or available to be printed from the Settlement Website; or 2) complete and electronically submit a Claim Form to the Claims Administrator directly through the Settlement Website. Please complete only one Claim Form per household. **TO BE VALID, ALL CLAIMS MUST BE POSTMARKED OR SUBMITTED NO LATER THAN JULY 5, 2012.**

#### **Can I Exclude Myself from the Settlement?**

Yes. If you are a Class Member, you may request exclusion by sending a letter requesting to be "excluded" from this Settlement to the Claims Administrator. If you exclude yourself, your claims against Ferrero will not be released, and you will not be eligible for any payment under the Settlement. **TO BE VALID, ALL EXCLUSION REQUESTS MUST BE POSTMARKED NO LATER THAN JUNE 8, 2012.**

#### **Can I Object to the Settlement?**

Yes. If you are a Class Member and do not request exclusion, you or your attorney on your behalf may object to the Settlement. Such objection must be in writing and must provide evidence that you are a Class Member. The procedures for submitting a written objection are identified below. A written and signed objection (and any support for it) **must be filed with the Court and served on all of the following attorneys with a postmark no later than June 8, 2012:**

##### **For the Settlement Class:**

Ronald A. Marron  
LAW OFFICES OF RONALD A. MARRON, APLC  
3636 4th Avenue, Suite 202  
San Diego, CA 92103  
Telephone: 619-696-9006

Gregory S. Weston  
Jack Fitzgerald  
THE WESTON FIRM  
1405 Morena Blvd., Suite 201  
San Diego, CA 92110  
Telephone: 619-798-2006

##### **For Ferrero:**

Keith E. Eggleton  
Colleen Bal  
Dale R. Bish  
WILSON SONSINI GOODRICH & ROSATI PC  
650 Page Mill Road  
Palo Alto, CA 94304-1050  
Telephone: 650-493-9300

##### **For the Court:**

Clerk of Court  
U.S. District Court for the Southern District of California  
880 Front Street, Suite 4290  
San Diego, CA 92101-8900  
Telephone: 619-557-5600

Any objection regarding or related to the Settlement Agreement shall contain a caption or title that identifies it as “Objection to Class Settlement in *In re Ferrero Litigation*, Case No. 11-CV-0205 H (CAB)” and shall also contain information sufficient to identify the objecting Class Member, as well as a clear and concise statement of the Class Member’s objection, the facts supporting the objection, and the legal grounds on which the objection is based. If an objecting party chooses to appear at the hearing, then a notice of intention to appear, either in person or through an attorney, must be filed with the Court and list the name, address and telephone number of the attorney, if any, who will appear.

#### **What if I do Nothing?**

IF YOU DO NOTHING, YOU WILL NOT RECEIVE ANY PAYMENT. IF THE COURT APPROVES THE SETTLEMENT, YOU WILL NO LONGER HAVE THE ABILITY TO SUE WITH RESPECT TO YOUR PURCHASE OF NUTELLA DURING THE CLASS PERIOD, AND YOUR CLAIMS DURING THE CLASS PERIOD WILL BE RELEASED AND DISMISSED.

#### **Who Represents the Class Members?**

The Law Offices of Ronald A. Marron and The Weston Firm (collectively “Class Counsel”) represent Plaintiffs and have been certified by the Court as counsel for the Class Members. Class Members have the right to hire their own lawyers, at their own expense, although there is no obligation to do so, and Class Counsel will represent all Class Members in this lawsuit who do not object or retain their own lawyer.

#### **How will Class Counsel be Paid?**

In addition to payments made to the Class Members, Ferrero has agreed that Class Counsel will seek an award of attorneys’ fees and costs, to be paid to Class Counsel from the Cash Settlement Amount, subject to approval by the Court. Ferrero has also agreed to pay attorneys’ fees and costs to Class Counsel not to exceed \$900,000 for the Injunctive Relief obtained by way of this Settlement, subject to approval by the Court.

#### **When will the Court Hold a Hearing to Consider the Settlement?**

The Honorable Marilyn L. Huff, a District Judge in the United States District Court for the Southern District of California (the “Court”), will hold a hearing (the “Fairness Hearing”) at the federal courthouse located at 880 Front Street, San Diego, CA 92101 on July 9, 2012 at 10:30 a.m. in Courtroom 13 to decide whether to approve the Settlement, and to determine the amount of attorneys’ fees and costs and Plaintiffs’ incentive awards. You or your lawyer may appear at the Fairness Hearing ***but do not have to do so***.

#### **How Can I Obtain More Information?**

Class Members can ask questions, complete a Claim Form and review documents concerning this case at [www.NutellaClassActionSettlement.com](http://www.NutellaClassActionSettlement.com), by calling the Claims Administrator toll-free at 1-877-497-5858, or by writing the “Claims Administrator” at Nutella Consumer Class Action Settlement, c/o Rust Consulting, Inc., P.O. Box 8030, Faribault, MN 55021-9430.

**PLEASE DO NOT CONTACT THE COURT OR CLERK’S OFFICE REGARDING THIS NOTICE.**



Nutella Consumer Class Action Settlement  
c/o Rust Consulting, Inc.  
P.O. Box 8030  
Faribault, MN 55021-9430.

**IMPORTANT COURT DOCUMENTS**

Must Be Postmarked  
No Later Than  
**July 5, 2012**

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

For Official Use Only

01

Page 1 of 2

IN RE:  
FERRERO LITIGATION

Case No. 11-CV-205 H (CAB)

**CLAIM FORM INSTRUCTIONS**

In order for you to qualify to receive payments related to *In re Ferrero Litigation* as described in the Notice of this Settlement (the "Class Notice"), you must file a Claim Form in the attached form either in paper or electronically on the Settlement Website and may need to provide certain requested documentation to substantiate your claim.

**REQUIREMENTS FOR FILING A CLAIM FORM**

Your claim will be considered only upon compliance with all of the following conditions:

1. You must accurately complete all required portions of the attached Claim Form.
2. You must **sign** this Claim Form, which includes the Certification. If you file a Claim Form electronically, your electronic signature and submission of the form shall have the same force and effect as if you signed the form in hard copy.
3. By signing and submitting the Claim Form, you are certifying that you purchased Nutella® brand hazelnut spread ("Nutella") in the State of California, at any point in time from August 1, 2009 to January 23, 2012, inclusive.
4. You have two options to complete a Claim Form:

(1) you may MAIL the completed and **signed** Claim Form and Certification by First-Class U.S. Mail, postage prepaid, postmarked no later than **JULY 5, 2012**, to:

***Nutella Consumer Class Action Settlement***

c/o Rust Consulting, Inc.

P.O. Box 8030

Faribault, MN 55021-9430

Or (2) you may complete and submit the Claim Form and Certification using the Claims Administrator's Settlement Website, located at [www.NutellaClassActionSettlement.com](http://www.NutellaClassActionSettlement.com). Upon completion of the on-line Claim Form, you will receive an acknowledgement that your claim has been submitted. If you file a Claim Form electronically, your electronic signature and submission of the form shall conform to the requirements of the federal Electronic Signatures Act, 15 U.S.C. §7001, et seq. and have the same force and effect as if you signed the form in hard copy.

5. Your failure to complete and submit the Claim Form postmarked or filed on-line by **July 5, 2012**, will preclude you from receiving any payments in this Settlement. So that you will have a record of the date of your mailing of the Claim Form and its receipt by the Claims Administrator, you are advised to use (but are not required to use) Certified Mail, Return Receipt Requested.

Submission of this Claim Form does not assure that you will share in the payments related to *In re Ferrero Litigation*. If the Claims Administrator disputes a material fact concerning your Claim, you will have the right to present information in a dispute resolution process. For more information on this process, see Paragraph 31 of the Settlement Agreement, which is available at [www.NutellaClassActionSettlement.com](http://www.NutellaClassActionSettlement.com).



I, \_\_\_\_\_, state as follows:

[illegible][illegible]

				-				
--	--	--	--	---	--	--	--	--

--	--	--	--

[illegible]

Please state the number of jars of Nutella that you purchased in California from August 1, 2009 to January 23, 2012, inclusive.

**I certify that the foregoing information supplied by the undersigned is true and correct to the best of my knowledge and that this Claim Form was executed this \_\_\_\_\_ day of \_\_\_\_\_, 2012.**

Signature	Type/Print Name	Date

If the Claimant is other than an individual, or is not the person completing this form, the following must also be provided:

Name of person signing	Capacity of person signing (Executor, President, Trustee, etc.)	Date

1. Please sign the above Claim Form.
2. Keep a copy of your Claim Form and supporting documentation for your records.
3. If you desire an acknowledgment of receipt of your Claim Form, please complete the on-line Claim Form or mail this Claim Form via Certified Mail, Return Receipt Requested.
4. If you move or your name changes, please send your new address, new name or contact information to the Claims Administrator via the Settlement Website, or First-Class U.S. Mail, each listed in the Notice.

## **EXHIBIT 2**



Legal Notice

Legal Notice

## If You Purchased Nutella Hazelnut Spread Since January 2008

### You Could Get Money from a Class Action Settlement

A Settlement has been reached in two class action lawsuits against Ferrero U.S.A., Inc. ("Ferrero") regarding its advertising and marketing of the Nutella brand hazelnut spread. The Settlement provides money to those who purchased one or more Nutella products. The lawsuit claims that Ferrero made statements suggesting that Nutella is healthier than it actually is. Ferrero denies any wrongdoing and stands by its products and advertising.

#### Who is included?

The Settlement includes two Classes:

- The California Class includes anyone who purchased Nutella in California between August 1, 2009 and the present.
- The Nationwide Class includes anyone who purchased Nutella in any state other than California between January 1, 2008 and the present.

If you purchased Nutella for resale or distribution, you are not included.

#### What Does the Settlement Provide?

The parties have agreed to create settlement funds of \$550,000 for the California Class and \$2,500,000 for the Nationwide Class for a total of \$3,050,000. Class Members can receive up to \$4 per jar of Nutella that they purchased during the time periods listed above. Class Members who purchased multiple jars of Nutella during the time periods can submit a claim form for up to five jars for a maximum award of \$20 per household. If the value of the claims of the California Class exceeds \$550,000, or the value of the claims of the Nationwide Class exceeds \$2,500,000, then payments will be reduced proportionally.

Ferrero has also agreed to modify the Nutella label, modify certain marketing statements about Nutella, create new television ads, and change the Nutella website. More details can be found in the Settlement Agreement at [www.NutellaClassActionSettlement.com](http://www.NutellaClassActionSettlement.com).

#### How to Get a Payment?

You must submit a Claim Form to get a payment. You can submit a Claim Form online or by mail. The deadline to submit a Claim Form is July 5, 2012. Claim Forms are available at [www.NutellaClassActionSettlement.com](http://www.NutellaClassActionSettlement.com) or by calling 1-877-497-5858.

#### What are Your Options?

If you do nothing, your rights will be affected. If you do not want to be legally bound by the Settlement, you must exclude yourself from the Settlement. The deadline to exclude yourself is June 8, 2012. If you do not want to exclude yourself, you will not be able to sue Ferrero for any claim relating to these lawsuits. If you exclude yourself, you cannot get any money from the Settlement. If you stay in the Settlement, you may object to it by June 8, 2012.

A California Court will hold a hearing for the California Class on July 9, 2012. A New Jersey Court will hold a hearing for the Nationwide Class on July 9, 2012. The Courts will consider whether to approve the Settlement and requests for attorneys' fees and expenses. Counsel for the Nationwide Class and counsel for the California Class may request an award of attorneys' fees in connection with the advertising and label changes. Counsel in both cases may also seek additional fees and expenses from the settlement fund. You may appear at the hearing, but you don't have to. You may hire your own attorney, at your own expense, to appear or speak for you at the hearing.

**For more information or a Claim Form:**

**Call: 1-877-497-5858 or**

**Visit: [www.NutellaClassActionSettlement.com](http://www.NutellaClassActionSettlement.com)**

## The Cove

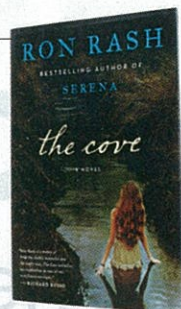
by Ron Rash | ★★★★★

REVIEWED BY ELLEN SHAPIRO

NOVEL

Laurel Shelton lives on a "gloamy" patch of Appalachian land with

her taciturn brother, a WWI vet who recently lost a hand in battle. Shunned by locals who think she's a witch, she's lonely until she finds a bedraggled, mute man in the woods playing a flute. She and her brother let him work on their farm, and soon he works his way into Laurel's heart. But the outside world encroaches when a smarmy Army recruiter threatens their fragile happiness. In Rash's skilled hands, even farm chores take on a meditative beauty.



Haley (left) with Sarah Palin in 2010.

## REPUBLICAN UP-AND-COMER GOV. NIKKI HALEY

**MULTITASKING MOM** A rising GOP star, the South Carolina governor, 40, has a new memoir, *Can't Is Not an Option*, and a daughter, Rena, 13, and son, Nalin, 10, with husband Michael, a National Guard officer.

**PROUD HERITAGE** The daughter of Indian immigrants, she practiced the Sikh faith before converting to Christianity. "I still greet people in the Indian community in the Indian way," she says. "I put my hands together, lower my head and say either *namaste* or *sat Sri akal* out of respect."

**NUMBERS WHIZ** At 13, the former accountant

"started doing the tax returns at my mother's gift shop," she says. "But I'd never do my own!"

**IS SHE VP-READY?** "I would not accept the nomination," says Haley. "But we have to keep encouraging women to run for office, regardless of the party they're in."

—SANDRA SOBIERAJ WESTFALL





## If You Purchased Nutella Hazelnut Spread Since January 2008

### You Could Get Money from a Class Action Settlement

A Settlement has been reached in two class action lawsuits against Ferrero U.S.A., Inc. ("Ferrero") regarding its advertising and marketing of the Nutella brand hazelnut spread. The Settlement provides money to those who purchased one or more Nutella products. The lawsuit claims that Ferrero made statements suggesting that Nutella is healthier than it actually is. Ferrero denies any wrongdoing and stands by its products and advertising.

#### Who is included?

The Settlement includes two Classes:

- The California Class includes anyone who purchased Nutella in California between August 1, 2009 and the present.
- The Nationwide Class includes anyone who purchased Nutella in any state other than California between January 1, 2008 and the present.

If you purchased Nutella for resale or distribution, you are not included.

#### What Does the Settlement Provide?

The parties have agreed to create settlement funds of \$550,000 for the California Class and \$2,500,000 for the Nationwide Class for a total of \$3,050,000. Class Members can receive up to \$4 per jar of Nutella that they purchased during the time periods listed above. Class Members who purchased multiple jars of Nutella during the time periods can submit a claim form for up to five jars for a maximum award of \$20 per household. If the value of the claims of the California Class exceeds \$550,000, or the value of the claims of the Nationwide Class exceeds \$2,500,000, then payments will be reduced proportionally.

Ferrero has also agreed to modify the Nutella label, modify certain marketing statements about Nutella, create new television ads, and change the Nutella website. More details can be found in the Settlement Agreement at [www.NutellaClassActionSettlement.com](http://www.NutellaClassActionSettlement.com).

#### How to Get a Payment?

You must submit a Claim Form to get a payment. You can submit a Claim Form online or by mail. The deadline to submit a Claim Form is July 5, 2012. Claim Forms are available at [www.NutellaClassActionSettlement.com](http://www.NutellaClassActionSettlement.com) or by calling 1-877-497-5858.

#### What are Your Options?

If you do nothing, your rights will be affected. If you do not want to be legally bound by the Settlement, you must exclude yourself from the Settlement. The deadline to exclude yourself is June 8, 2012. If you do not want to exclude yourself, you will not be able to sue Ferrero for any claim relating to these lawsuits. If you exclude yourself, you cannot get any money from the Settlement. If you stay in the Settlement, you may object to it by June 8, 2012.

A California Court will hold a hearing for the California Class on July 9, 2012. A New Jersey Court will hold a hearing for the Nationwide Class on July 9, 2012. The Courts will consider whether to approve the Settlement and requests for attorneys' fees and expenses. Counsel for the Nationwide Class and counsel for the California Class may request an award of attorneys' fees in connection with the advertising and label changes. Counsel in both cases may also seek additional fees and expenses from the settlement fund. You may appear at the hearing, but you don't have to. You may hire your own attorney, at your own expense, to appear or speak for you at the hearing.

**For more information or a Claim Form:**

**Call: 1-877-497-5858 or**

**Visit: [www.NutellaClassActionSettlement.com](http://www.NutellaClassActionSettlement.com)**

## resources

## Recipes & How-Tos

**BIRTHDAYS FROM A TO Z**  
**PAGES 59 TO 80**

### Swing Big, p. 65

**what you'll need**

14" paper lantern (\$4; [pearlriver.com](http://pearlriver.com)), tissue paper, hot-glue gun, tissue festooning (\$2 to \$4; [shindigz.com](http://shindigz.com)), 5 party hats, crepe paper, 2 to 3 lbs. of candy, string

#### make it

- 1 Assemble store-bought paper lantern according to package instructions.
- 2 Fold 2 or 3 pieces of tissue paper into a 6" square and position inside the lantern over the bottom hole.
- 3 Hot-glue tissue festooning around the bottom of party hats and top opening and middle of lantern.
- 4 Cut 5 12" lengths of crepe paper, fold each in half and cut a slit halfway up the center. Hot-glue each in place at the end of a party hat.
- 5 Attach 4 party hats evenly spaced around the center of the lantern, and secure in place with hot glue.
- 6 Cover the bottom hole of the lantern with the remaining party hat and hot-glue securely in place.
- 7 Insert candy through the top opening of lantern. Then hang lantern with string.

### Beautiful Blooms, p. 65

**what you'll need**

Tissue paper in 2 or 3 colors, scissors, chenille stems or floral wire

#### make it

- 1 Cut 8 6"x6" squares from 2 or 3 colors of tissue paper.
- 2 Layer the squares alternating colors and fold accordion-style about 1" wide.
- 3 Wrap a chenille stem or floral wire around the center of the folded tissue.
- 4 Use scissors to round ends of the tissue. Fan out the tissue paper, gently separating and fluffing the layers.

### Juice Box, p. 66

**what you'll need**

Juice box, paintbrush, paint, X-Acto knife, dried beans or a bell (optional), tongue depressor, glue, craft paper, scissors, felt, buttons, yarn, paper punch, 4" doily, ribbon, pom-poms





sta comisión depende del grado de exclusividad que estés lista a darle. Una vez que ganes un mínimo de créditos (crédito = \$1), puedes sacar el dinero de la cuenta que tienes con ellos.

**scribir** Lo que comenzó como un pasatiempo se ha convertido para algunos en otra forma de traer dinero a la casa. La política, la tecnología, la maternidad, la salud, la familia, el arte y hasta las ciencias pueden ser temas que te interesen y generen ingresos. Un ejemplo interesante es el de Helium (helium.com), donde pagan por resultado. Cuanto más te esfuerzas, más lo que allí escribas, más te pagan. Puede que ganes \$100 mensuales como \$5,000. Todo depende del número de palabras que te sigan.

Claro que hacer dinero escribiendo no es fácil. Los que se ganan la vida de esta forma (entre \$45,000 y \$200,000 anuales, y \$200,000 para sólo unos pocos) son profesionales que llevan tiempo en este campo, trabajan para organizaciones que pagan bien, tienen algo que decir o escriben temas de interés que logran tener miles de visitas al mes en sus páginas cibernéticas.

Así, muchos más sitios ofrecen dinero por tu servicio u otro de valor. Adáptate a la nueva revolución en beneficio de tu futuro familiar y también del de tu bolsillo. ■

## LOBOS VESTIDOS DE CORDERO

El Buró Federal de Investigaciones (FBI, por sus siglas en inglés) indicó que en el 2008 se recibieron 275,284 quejas con pérdidas que alcanzaron los \$265 millones\*. La mayoría de los fraudes denunciados fueron por transacciones no enviadas o pagos no realizados, así como por compras por internet y fraudes de tarjetas de crédito. La mejor defensa contra el fraude es la prevención:

No creas promesas de hacer dinero con poco o ningún esfuerzo. Manejar un negocio toma tiempo y esfuerzo, y nadie te puede garantizar cuánto ganarás.

Cerciórate de que la compañía existe, que está registrada y de que realmente funciona.

Ten cuidado con las ofertas electrónicas que no solicitaste ofreciendo trabajos o negocios.

Antes de pagar, obtén todos los detalles por escrito. Una empresa legítima no tendrá problemas en dártelos.

Investiga por tu propia cuenta antes de comprometerte a cualquier negocio o transacción que se realice por internet.

No te dejes presionar para hacer un negocio rápido.

Pide todo por escrito.

Pídele a un profesional que examine el contrato y lo que te están ofreciendo.

2008 Annual Report on Internet Crime

## Si usted compró Nutella Hazelnut Spread desde enero de 2008

### Podría obtener un pago proveniente de un Acuerdo de demanda colectiva

Se ha obtenido un acuerdo en dos demandas colectivas en contra de Ferrero U.S.A., Inc. ("Ferrero") con respecto a su publicidad y comercialización de la manteca de avellana para untar marca Nutella. El acuerdo estipula un pago de dinero para quienes hayan comprado uno o más productos Nutella. La demanda afirma que Ferrero formuló declaraciones que sugieren que Nutella es más saludable de lo que es en realidad. Ferrero deniega haber obrado mal y defiende sus productos y su publicidad.

#### ¿Quién está incluido?

El acuerdo incluye dos grupos:

- El Grupo de California incluye a toda persona que haya comprado Nutella en California entre el 1 de agosto de 2009 y el presente.
- El Grupo Nacional incluye a toda persona que haya comprado Nutella en cualquier estado con excepción de California entre el 1 de enero de 2008 y el presente.

Si usted compró Nutella con fines de reventa o distribución, no está incluido.

#### ¿Qué estipula el Acuerdo?

Las partes han acordado crear fondos del acuerdo por valor de \$550,000 para el Grupo de California y de \$2,500,000 para el Grupo Nacional, por un total de \$3,050,000. Los Miembros de grupo pueden recibir hasta \$4 por frasco de Nutella que hayan comprado durante los períodos de tiempo indicados anteriormente. Los Miembros de grupo que compraron múltiples frascos de Nutella durante los períodos de tiempo pueden presentar una reclamación de hasta cinco frascos, o sea un laudo máximo de \$20 por hogar. Si el valor de las reclamaciones del Grupo de California excede la suma de \$550,000, o el valor de las reclamaciones del Grupo Nacional excede la suma de \$2,500,000, entonces los pagos se reducirán proporcionalmente.

Ferrero también ha acordado modificar la etiqueta Nutella, modificar ciertas declaraciones de comercialización sobre Nutella, crear nuevos anuncios televisivos y cambiar el sitio web de Nutella. Más detalles están a disposición en el Acuerdo de conciliación en [www.NutellaClassActionSettlement.com](http://www.NutellaClassActionSettlement.com).

#### Cómo obtener un pago

Usted debe presentar un Formulario de reclamación para obtener un pago. Puede enviar un Formulario de reclamación por Internet o por correo. El plazo límite para entregar un Formulario de reclamación es el 5 de julio de 2012. Los Formularios de reclamación están a su disposición en [www.NutellaClassActionSettlement.com](http://www.NutellaClassActionSettlement.com) o llamando a 1-877-497-5858.

#### ¿Cuáles son sus opciones?

Si no toma ninguna acción, sus derechos se verán afectados. Si no desea estar obligado legalmente por el Acuerdo, debe excluirse del Acuerdo. El plazo límite para excluirse es el 8 de junio de 2012. Si no desea excluirse, no podrá demandar a Ferrero por ninguna reclamación relacionada con estas demandas. Si se excluye no podrá recibir ningún dinero del Acuerdo. Si permanece en el Acuerdo, puede objetarlo hasta el 8 de junio de 2012.

Un Tribunal de California celebrará una audiencia para el Grupo de California el 9 de julio de 2012. Un Tribunal de Nueva Jersey celebrará una audiencia para el Grupo Nacional el 9 de julio de 2012. Los tribunales considerarán la aprobación del Acuerdo y las peticiones de pago de honorarios de abogados y gastos. Los abogados del Grupo Nacional y los abogados del Grupo de California podrían solicitar un laudo para los honorarios de abogados relacionados con la publicidad y los cambios de etiquetas. Los abogados en ambas causas también podrían solicitar honorarios y gastos adicionales provenientes del fondo del acuerdo. Puede comparecer ante la audiencia pero no es necesario que lo haga. Puede contratar a su propio abogado, bajo su propia cuenta, para que comparezca o hable ante la audiencia en su representación.

**Para obtener más información o un Formulario de reclamación:**

**Llame al: 1-877-497-5858 o**

**Visite: [www.NutellaClassActionSettlement.com](http://www.NutellaClassActionSettlement.com)**



## If You Purchased Nutella Hazelnut Spread Since January 2008

### You Could Get Money from a Class Action Settlement

A Settlement has been reached in two class action lawsuits against Ferrero U.S.A., Inc. ("Ferrero") regarding its advertising and marketing of the Nutella brand hazelnut spread. The Settlement provides money to those who purchased one or more Nutella products. The lawsuit claims that Ferrero made statements suggesting that Nutella is healthier than it actually is. Ferrero denies any wrongdoing and stands by its products and advertising.

#### Who is included?

The Settlement includes two Classes:

- The California Class includes anyone who purchased Nutella in California between August 1, 2009 and the present.
- The Nationwide Class includes anyone who purchased Nutella in any state other than California between January 1, 2008 and the present.

If you purchased Nutella for resale or distribution, you are not included.

#### What Does the Settlement Provide?

The parties have agreed to create settlement funds of \$550,000 for the California Class and \$2,500,000 for the Nationwide Class for a total of \$3,050,000. Class Members can receive up to \$4 per jar of Nutella that they purchased during the time periods listed above. Class Members who purchased multiple jars of Nutella during the time periods can submit a claim form for up to five jars for a maximum award of \$20 per household. If the value of the claims of the California Class exceeds \$550,000, or the value of the claims of the Nationwide Class exceeds \$2,500,000, then payments will be reduced proportionally.

Ferrero has also agreed to modify the Nutella label, modify certain marketing statements about Nutella, create new television ads, and change the Nutella website. More details can be found in the Settlement Agreement at [www.NutellaClassActionSettlement.com](http://www.NutellaClassActionSettlement.com).

#### How to Get a Payment?

You must submit a Claim Form to get a payment. You can submit a Claim Form online or by mail. The deadline to submit a Claim Form is July 5, 2012. Claim Forms are available at [www.NutellaClassActionSettlement.com](http://www.NutellaClassActionSettlement.com) or by calling 1-877-497-5858.

#### What are Your Options?

If you do nothing, your rights will be affected. If you do not want to be legally bound by the Settlement, you must exclude yourself from the Settlement. The deadline to exclude yourself is June 8, 2012. If you do not want to exclude yourself, you will not be able to sue Ferrero for any claim relating to these lawsuits. If you exclude yourself, you cannot get any money from the Settlement. If you stay in the Settlement, you may object to it by June 8, 2012.

A California Court will hold a hearing for the California Class on July 9, 2012. A New Jersey Court will hold a hearing for the Nationwide Class on July 9, 2012. The Courts will consider whether to approve the Settlement and requests for attorneys' fees and expenses. Counsel for the Nationwide Class and counsel for the California Class may request an award of attorneys' fees in connection with the advertising and label changes. Counsel in both cases may also seek additional fees and expenses from the settlement fund. You may appear at the hearing, but you don't have to. You may hire your own attorney, at your own expense, to appear or speak for you at the hearing.

**For more information or a Claim Form:**

**Call: 1-877-497-5858 or**

**Visit: [www.NutellaClassActionSettlement.com](http://www.NutellaClassActionSettlement.com)**



**EARTHJUSTICE**

*Because the earth needs a good lawyer*



**TAKE A SEAT  
TAKE A STAND**  
**FOR OUR CHILDREN'S HEALTH**

Earthjustice protects our children's air and water in court—because we believe the earth needs a good lawyer. Show your support for our work by scanning the code and taking a stand for children's health.



[Earthjustice.org/Stand](http://Earthjustice.org/Stand)



## **EXHIBIT 3**

**If You Purchased  
Nutella Hazelnut Spread  
Since January 2008**

***You Could Get Money from  
a Class Action Settlement***

**[www.NutellaClassActionSettlement.com](http://www.NutellaClassActionSettlement.com)**

If You Purchased Nutella Hazelnut Spread Since January 2008

*You Could Get Money from a Class Action Settlement*

[www.NutellaClassActionSettlement.com](http://www.NutellaClassActionSettlement.com)



If you purchased  
Nutella since January  
2008 you could get  
money from a class  
action settlement.  
[Click here to learn  
about your options.](#)

## **EXHIBIT 4**

## *Nutella Consumer Class Action Settlements*

---

### **CLASS ACTION LAWSUIT**

*Last Updated: 3/12/2012*

- 
- **HOME**
  - **FILE A CLAIM**
  - **NOTICE**
  - **EL TRIBUNAL**
  - **DOWNLOAD A CLAIM FORM**
  - **DESCARGUE EL FORMULARIO DE RECLAMO**
  - **FREQUENTLY ASKED QUESTIONS**
  - **PREGUNTAS FRECUENTES**
  - **COURT DOCUMENTS**
  - **CONTACT INFORMATION**

**DOWNLOAD ACROBAT READER** Adobe Reader is free and is required to view and print documents on this site.

[A](#) [A](#) [A](#)

# Welcome to the Nutella Consumer Class Action Settlements Website

This website has been established pursuant to two Settlements that were entered into between consumers and Ferrero U.S.A., Inc., the manufacturer of Nutella.

**IF YOU PURCHASED NUTELLA IN CALIFORNIA BETWEEN AUGUST 1, 2009 AND JANUARY 23, 2012, OR  
IN ANY OTHER STATE BETWEEN JANUARY 1, 2008 AND FEBRUARY 3, 2012, YOU MAY BE ELIGIBLE TO  
RECEIVE A PAYMENT FROM A PROPOSED CLASS ACTION SETTLEMENT.**

Please read the materials on this website, including the **class action notices** carefully as they describe Class Action Settlements that may affect your rights.

IMPORTANT DATES & DEADLINES:

Submit A Claim Form: Postmarked or submitted on-line no later than July 5, 2012

Request Exclusion: Postmarked no later than June 8, 2012

Make Objections: Filed/Delivered no later than June 8, 2012

Fairness Hearings: New Jersey Court (for the Nationwide Class)

July 9, 2012 at 10:00 a.m.

California Court (for the California Class)

July 9, 2012 at 10:30 a.m.

Case Name and Number	Court and Address	Purchase Location	Time Period
<i>In re Ferrero Litigation</i> , No. 11-CV-205 H	U.S. District Court for the Southern District of California 940 Front Street San Diego, CA 92101-8900	California	August 1, 2009 through January 23, 2012
<i>In re Nutella Marketing and Sales Practices Litigation</i> , No. 3:11-cv-01086	U.S. District Court for the District of New Jersey 402 East State Street Room 2020 Trenton, NJ 08608	Any state other than California	January 1, 2008 through February 3, 2012

Settlements have been reached in two class action lawsuits against Ferrero U.S.A., Inc. ("Ferrero") regarding its labeling, advertising and marketing of the Nutella brand hazelnut spread. The Settlements provide Class Members who do not opt out the opportunity to receive monetary relief as well as prospective relief in the form of corrective labeling, advertising and marketing. The lawsuit claims that Ferrero made statements suggesting that Nutella is healthier than it actually is.

**Who is included in the Settlements?**

Included in the Settlements are:

- Anyone who purchased Nutella in any state other than California, between January 1, 2008 and February 3, 2012 ("Nationwide Class"), and

- Anyone who purchased Nutella in California between August 1, 2009 and January 23, 2012 ("California Class").

IF YOU PURCHASED NUTELLA FOR RESALE OR DISTRIBUTION, YOU ARE NOT INCLUDED IN THE CLASSES.

### **What Do the Settlements Provide?**

The Nationwide Class provides for a settlement fund of \$2,500,000 and the California Class provides for a settlement fund of \$550,000 for a total of \$3,050,000. Class Members can receive up to \$4 per jar of Nutella that they purchased during the time periods listed above. Class Members who purchased multiple jars of Nutella during the time periods can submit a claim for up to five jars for a maximum award of \$20 per household. If the value of the claims of the Nationwide Class exceeds \$2,500,000, or the value of the claims of the California Class exceeds \$550,000, then payments will be reduced proportionally.

In addition, Ferrero also has agreed to prospective relief by agreeing to modify the Nutella label, modify certain marketing statements about Nutella, create new television ads, and change the Nutella website. More details can be found in the Settlement Agreements at the "Court Documents" link on the left of this page.

### **How to Get a Payment?**

You **MUST** submit a Claim Form either electronically or via U.S. Mail to get a payment. The deadline to submit a Claim Form is July 5, 2012. You can submit a Claim Form online by clicking on the "File a Claim" link on the left or you can submit a Claim Form by U.S. Mail. To submit a Claim Form by U.S. Mail click on the "Download a Claim Form" link on the left and follow the instructions on the form.

### **What are Your Options?**

#### Make a Claim

**If you want to participate and be entitled to receive a payment from one of the Settlements, you MUST submit a Claim Form, as discussed above.**

#### Do Nothing

If you do nothing, your rights will be affected. You will not receive any payment from either Settlement, you will not be able to sue Ferrero for any claim relating to these lawsuits, and your claims during the class period will be released and dismissed.



#### Request Exclusion

If you want to exclude yourself from either of the Settlements, you must send your Request for Exclusion from either the Nationwide Class or the California Class to the Claims Administrator postmarked no later than June 8, 2012. If you exclude yourself, your claims against Ferrero will not be released and you will not be eligible for any payment under the Settlements.

#### Object

If you do not exclude yourself from the Nationwide Class or the California Class, you may object to the Settlement. Your objection must be filed with the Court and served on all attorneys for your Class no later than June 8, 2012. Refer to the "Notice" link on the left for additional details.

A Fairness Hearing will be held for the Nationwide Class in the United States District Court for the District of New Jersey and a Fairness Hearing will be held for the California Class in the United States District Court for the Southern District of California. Both Fairness Hearings will take place on July 9, 2012 and the Courts will consider whether to approve each respective Settlement, requests for attorneys' fees and expenses and Plaintiffs' incentive award. You may appear at the hearing, but you don't have to. If you choose to attend the hearing, you may do so in person or you may hire your own attorney, at your own expense, to appear or speak for you at the hearing. If you do choose to appear at the Fairness Hearing, you must file a Notice of Intention to Appear with the Court.

---

View the **Privacy Policy**

---

## **EXHIBIT 5**



3254-ADMIN-000002

## 3254 - Nutella Marketing & Sales Practices ADMIN Cover Sheet

---

Matter: 3254 - Nutella Marketing & Sales Practices

PO Box: 8030

Note:



PAGEBREAK

4.16.12.

Dear claims Administrator,

I would like to be "excluded"

From this claim. please remove my

name as a Settlement class member.

I think this claim is ridiculous!!

Thank you,

Lydia Hatfield

225 Lembern Ct

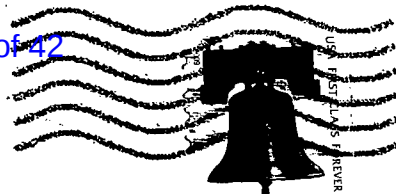
Milton, GA 30004

ljhatfield@gmail.com

L. Hatfield  
225 Lemberer  
Milton, GA 30004

NORTH METRO GA 301

16 APR 2012 PM 4 L



Claims Administrator  
Nutella Class Action Settlement,  
c/o Rust Consulting, Inc.,  
P.O. Box 8030  
Faribault, MN 55021 - 9430

REC'D APR 19 2012

55021943030





3254-ADMIN-000020

## 3254 - Nutella Marketing & Sales Practices ADMIN Cover Sheet

---

Matter: 3254 - Nutella Marketing & Sales Practices

PO Box: 8030

Note:



PAGEBREAK

Document1

5/4/2012

From

Supriya Supriya  
633 Hildebrand Cir.  
Folsom, CA 95630

To

The Claims Administrator,  
Nutella Consumer Class Action Settlement,  
c/o Rust Consulting Inc.  
P.O. Box 8030  
Faribault, MN 55021

Sub: - Please EXCLUDE me from Nutella consumer class action settlement

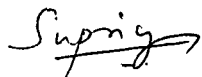
Hi,

I submitted a claim last week online for "  
IF YOU HAVE PURCHASED NUTELLA IN THE STATE OF CALIFORNIA ANY TIME BETWEEN  
AUGUST 1, 2009 AND JANUARY 23, 2012, PLEASE READ THIS NOTICE CAREFULLY, AS  
IT  
DESCRIBES A SETTLEMENT THAT MAY AFFECT YOUR RIGHTS."

But now I decided to back out. Please EXCLUDE me from this settlement.

Thank you.

Regards,



Supriya Supriya

FROM

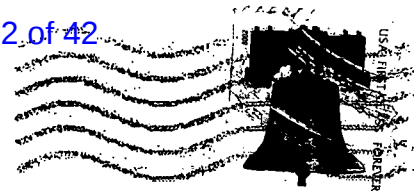


Supriya Supriya  
633 Hildebrand Cir.  
Folsom, CA 95630

Case 3:11-cv-00205-H-KSC Document 114-7 Filed 05/25/12 Page 32 of 42

SACRAMENTO CA 958

07 MAY 2012 PM 4 T



REC'D MAY 11 2012

To

CLAIMS ADMINISTRATOR,  
NUTELLA CONSUMER CLASS ACTION  
SETTLEMENT,  
C/O RUST CONSULTING INC.,  
P.O. Box 8030

55021+9430

FARIBAULT MN - 55021





3254-ADMIN-000006

## 3254 - Nutella Marketing & Sales Practices ADMIN Cover Sheet

---

Matter: 3254 - Nutella Marketing & Sales Practices

PO Box: 8030

Note:



PAGEBREAK



4106 Bridle Lane  
Cohutta, GA 30710

April 27, 2012,

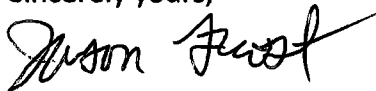
Nutella Consumer Class Action Settlement  
c/o Rust Consulting, Inc., Claims Administrator  
P.O. Box 8030  
Faribault, MN 55021

Re: Nutella Settlement "Opt out"/Exclusion Request

Dear Sir or Madam:

This letter is to notify you of my request to "opt out" of and exclude myself from any Nutella settlement I had joined in by electronic certification. Please take my name off the class list, as well as the list for those to receive settlement proceeds, and void my electronic submission and certification. I am submitting this request for exclusion from the settlement well in advance of the June 8, 2012 deadline for postmarking such a request. Thank you for your assistance in this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jason Frost", written in a cursive style.

Jason Frost

**Nutella Consumer Class Action Settlement**

Claimant ID: 728426

**Name/Address**

First Name: JASON

Last Name: FROST

Identity Of Claimant: INDIVIDUAL

Other:

Current Address 1: 4106 BRIDLE LANE

Current Address 2:

City: COHUTTA

State: GA

Zip: 30710

**Contact Information**

Telephone Number Day: 706-694-8219

Telephone Number Night:

Email Address: JASONFROST98@YAHOO.COM

**Qualifying Purchases:**

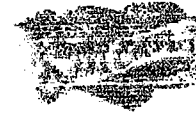
I Made my Purchases: Outside of California

Number of Jar(s): 5

Jason Frost  
4106 Bridle Ln,  
Cohutta, GA 30710

NASHVILLE TN 37203

20 APR 2012 PM 5:1



ATTN: Exclusions  
Nute/la Consumer Class Action Settlement  
c/o Rust Consulting, Inc., Claims Administrator  
P.O. Box 8030  
Faribault, MN 55021

55021943030





3254-ADMIN-000021

## 3254 - Nutella Marketing & Sales Practices ADMIN Cover Sheet

---

Matter: 3254 - Nutella Marketing & Sales Practices

PO Box: 8030

Note:



PAGEBREAK

Please exclude me from the Nutella  
Consumer Class Action Settlement. I do not  
wish to file a claim and I do not want to be  
in the settlement. I want to cancel the form  
I signed up for. Please take my name off  
of the suit. Thank you,

Wendy Shook  
229 Flowingwell Rd.  
Leesburg, Ga 31763



Wendy Shook  
229 Flowing Well Rd.  
Leesburg, Ga 31763

REC'D MAY 11 2012  
Nutek Consumer Class action  
Settlement

Go Rust Consulting Inc.

REC'D MAY 11 2012

Fairbault, MN

55021-9430





3254-ADMIN-000005

## 3254 - Nutella Marketing & Sales Practices ADMIN Cover Sheet

---

Matter: 3254 - Nutella Marketing & Sales Practices

PO Box: 8030

Note:



PAGEBREAK





April 27, 2012

Nutella Consumer Class Action Settlement  
c/o Rust Consulting, Inc.  
P.O. Box 8030  
Faribault, MN 55021-9430  
(877) 497-5858

**Request for Exclusion from the Nationwide Class**

I, Victoria Nedospasova, hereby request to be excluded from the National Class Settlement against Ferrero U.S.A., Inc. My claims, if any, against Ferrero shall not be released and I shall not be eligible for any payment under the Settlements.

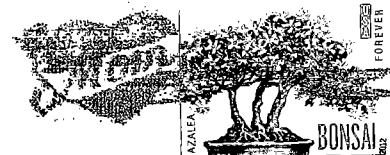
A handwritten signature in black ink, appearing to read 'Victoria Nedospasova', with a stylized, flowing script.

Victoria Nedospasova

Victoria Nedaspasova  
1537 Lesley Dr.,  
Tuscaloosa, AL 35406

BIRMINGHAM AL 350

28 APR 2012 PM 2 L



To: Nutella Consumer Class Action Settlement  
c/o Rust Consulting, Inc.  
P.O. Box 8030  
Faribault, MN 55021-9430

55021943030

